

Water Quality Protected Waterways – Supplemental Information  
(For City Council Process - Includes Planning Commission Meeting Materials and Other Background)

The City Council Agenda Item Summary for Water Quality Protected Waterways dated May 14, 2008 references supplemental information including Planning Commission meeting materials and minutes. **The supplemental information can be found in two separate binders in the City Managers Office (City Hall, 777 Pearl Street, contact Kris Bloch at 682-8497) and at the Planning & Development Department (Atrium Building, 99 East 10<sup>th</sup> Avenue, see Front Desk receptionist).** The full list of what is contained in the supplemental information binders is included below starting with Section I, and is described in a general sense as follows:

WQ Waterways Supplemental Information I. – XI. and XIII. – XV. (May 2008)

This binder includes Planning Commission meeting materials and minutes, copies of testimony submitted to the Planning Commission, and additional background on the public outreach efforts leading up to the Planning Commission process.

WQ Waterways Supplemental Information XII.

This binder includes supplemental information related to staff response to topics raised by Planning Commission and public testimony through January 15, 2008 such as detailed information about the Clean Water Act, water quality standards, Total Maximum Daily Loads (TMDLs), scientific literature review related to water quality setbacks, and model ordinances for water quality waterway protection.

**I. Planning Commission Introduction Meeting September 10, 2007**

Memo to Eugene Planning Commission from Therese Walch dated September 10, 2007:  
Introduction to Water Quality Protected Waterways Proposal, with Attachments

- A. Oregon DEQ Fact Sheet: Water Quality Standards
- B. Eugene-area Water Bodies on the 2004 303(d) List
- C. Oregon DEQ Fact Sheet: The 2002 303(d) List of Impaired Waters in Oregon
- D. Oregon DEQ Fact Sheet: Improving Water Quality: TMDLs in Oregon

Set of five maps handed out to Planning Commission on 9/10/07

- 2006 Water Quality Protected Waterways Proposal: 303(d) Streams
- 2006 Water Quality Protected Waterways Proposal: 303(d) Streams + 303(d) Tributaries
- 2006 Water Quality Protected Waterways Proposal: 303(d) Streams + 303(d) Tributaries + Headwater Streams
- Status of Original WQ Waterways
- Waterways Recommended for WQ Protection (Gaps)

Power Point: Eugene Planning Commission – Introduction: Water Quality Protected Waterways  
Minutes from September 10, 2007 Planning Commission meeting

**II. Department of Land Conservation and Development (DLCD) Notice November 30, 2007**

Letter to Plan Amendment Specialist, Department of Land Conservation and Development from Therese Walch dated November 30, 2007, with attachments:

1. Form 1, DLCD Notice of Proposed Amendment
2. Two copies of the proposed Water Quality Overlay Zone Ordinance (11/30/07 DRAFT)
3. Two copies of Findings in Support of the Adoption of the proposed Ordinance
4. Two copies of Map 1 – Overview
5. Two copies of Map 2 - Affected Areas
6. Two copies of Map 3 - Affected Waterways
7. Two copies of List of Affected Tax lots Inside City Limits
8. Two copies of List of Affected Tax lots Outside City Limits and Within UGB

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9. Two copies of computer disc containing digital copies of #4 through #8 above (*available on request*)

**III. Legal Notices – Planning Commission Public Hearing (December 2007)**

1. Notice of Public Hearing, mailed to *public officials and interested persons*, dated December 14, 2007 and sent December 14, 2007, and associated address list.
2. Notice of Public Hearing, mailed to affect property *owners inside Eugene city limits* (Measure 56 notice), dated December 18, 2007 and sent December 18, 2007, and associated address list.
3. Notice of Public Hearing, mailed to *property owners outside city limits, inside UGB*, dated December 18, 2007 and sent December 18, 2007, and associated address list.
4. Notice of Public Hearing Eugene Planning Commission, published in Register Guard December 21, 2007.

**IV. Planning Commission Meeting January 14, 2008 & Public Hearing January 15, 2008**

Memo to Eugene Planning Commission from Therese Walch dated January 15, 2008 with Attachments:

1. Memo to Eugene Planning Commission from Therese Walch dated 9/10/07 with Attachments (see 9/10/07 materials)
2. Set of five maps handed out to Planning Commission on 9/10/07 (See 9/10/07 materials)
3. Minutes from September 10, 2007 Planning Commission meeting (See 9/10/07 materials)
4. Oregon Statewide Planning Goal 6 (DLCD Fact Sheet)
5. Revised Proposed Water Quality Protected Waterways Fact Sheet (November 2007)
6. City of Eugene Ambient Water Quality Monitoring Sites (City of Eugene Fourth Annual Stormwater Report Figures 4-1 and 4-2)
7. Common Sources of 303(d) Pollutants
8. Draft Ordinance (11/30/07 DRAFT) and Exhibits
  - A. Water Quality Protected Waterways Map
  - B. List of tax lots inside city limits to which the /WQ overlay zone map will be applied.
  - C. List of tax lots outside city limits, within UGB, to which the /WQ overlay zone should be applied upon annexation
  - D. Legislative Findings
9. Ordinance Summary
10. Public Testimony Received through January 4, 2008 (see **Section III** for all testimony)
  - Letter to Eugene Planning Commission from Rita Herold dated January 2, 2008
  - Letter to Eugene Planning Commission from Carrie Miller dated December 31, 2008
  - Water Quality Waterways Testimony from Craig E. and Dulcie Chatwood received January 2, 2008
  - Letter to Eugene Planning Commission from Elva Marlene Lassen dated December 20, 2007
  - Letter to Eugene Planning Commission from Bruce A. Lassen dated December 20, 2007

Computer Disc: Proposed Water Quality Protected Waterways and Management Areas map dated January 15, 2008 (this is Ordinance Exhibit A, adoption map) (*Note: CD available upon request*)

Power Point: Planning Commission - Water Quality Protected Waterways January 14, 2008

Minutes from January 14, 2008 Planning Commission meeting

Minutes from January 15, 2008 Planning Commission Public Hearing

**V. Planning Commission Public Testimony (through February 19, 2008)**

Memo to Eugene Planning Commission from Therese Walch dated February 25, 2008: CA07-04 & Z07-19: Water Quality Protected Waterways - All Public Testimony Received through February 19, 2008

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Attachments:

1. Letter to Eugene Planning Commission from Rita **Herold** dated January 2, 2008
2. Letter to Eugene Planning Commission from Carrie **Miller** dated December 31, 2007
3. Water Quality Waterways Testimony from Craig E. and Dulcie **Chatwood** received January 2, 2008
4. Letter to Eugene Planning Commission from Elva Marlene **Lassen** dated December 20, 2007
5. Letter to Eugene Planning Commission from Bruce A. **Lassen** dated December 20, 2007
6. Letter to Eugene Planning Commission and Staff from Douglas M. **DuPriest** (representing COBI), dated January 7, 2008
7. E-mail to Eugene Water Quality Protected Waterways from Carol **Jackson**, dated January 8, 2008
8. E-mail to Eugene Water Quality Protected Waterways from Russell & Penny **Jones**, dated January 9, 2008
9. Letter to Eugene Planning Commission from Joan **Gray**, dated January 10, 2008
10. Letter to Eugene Planning Commission from Tony **Lusk**, Dated January 11, 2008
11. Letter to Eugene Planning Commission and Staff from Douglas M. **DuPriest**, dated January 11, 2008
12. E-mail to Tim Bingham from Dorothy **Haberly** dated January 14, 2008
13. E-mail to Therese Walch from Dorothy **Haberly** dated January 11, 2008
14. Letter to Eugene Planning Commission and Staff from Douglas M. **DuPriest**, dated January 11, 2008 (reflecting minor revision to the letter from Douglas M. DuPriest dated January 11, 2008, to include reference to all enclosures on page three of the cover letter).
15. Letter to Eugene Planning Commission from Jay **Bozievich/EWEB**, dated January 15, 2008
16. Letter to Eugene Planning Commission from Barbara **Combs**, dated January 15, 2008
17. Letter to Eugene Planning Commission from Carol **Schirmer** of Schirmer + Associates (not dated)
18. Letter to Eugene Planning Commission from Larry **Reed** and “Testimony to the Eugene Planning Commission” both dated January 15, 2008
19. Photo submitted by Ron **Bounds** “Normal Flow Royal Ave in Winter”)
20. California Oregon Broadcasting Inc. (**COBI**) Hearing Packet dated January 15, 2008
21. Letter to Eugene Planning Commission from Richard **Larson** (representing Glenwood Boulevard LLC) dated January 15, 2008
22. Letter to Eugene Planning Commission from Michael **Kaiser** of Poage Engineering & Surveying, Inc. dated January 15, 2008
23. Letter to Eugene Planning Commission from Bill **Kloos** dated January 15, 2008
24. Letter to Eugene Planning Commission from Bill **Kloos** dated January 29, 2008
25. Letter to Eugene Planning Commission [from James **Lanier**] (not dated) received January 29, 2008
26. Letter to Eugene Planning Commission from Dan & Yvonne **Leahy** dated January 24, 2008
27. Letter to Eugene Planning Commission from Doug **DuPriest** dated January 25, 2008
28. Letter to Eugene Planning Commission from Lisa **Warnes** dated January 27, 2008
29. E-mail to Eugene Water Quality Protected Waterways from Nick **Askew** dated January 16, 2008
30. Letter to Eugene Planning Commission from Jared **Rubin/Oregon DEQ** dated January 30, 2008
31. E-mail to Eugene Water Quality Protected Waterways from Carole **Daly** dated February 4, 2008
32. Letter to Eugene Planning Commission from John C. **Pinkstaff** of Lane Powell (representing Coca-Cola Bottling Company) dated February 4, 2008
33. Letter to Eugene Planning Commission from Barbara **Combs** dated February 4, 2008
34. Letter to Eugene Planning Commission from Robert **Kieran** and Frances **Christie** dated February 3, 2008

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35. Letter to Eugene Planning Commission from Deborah J. **Brewer/EWEB** dated January 29, 2008
36. Email to Eugene Planning Commission from Terry **Connolly/Eugene Chamber of Commerce** dated February 4, 2008
37. Letter to Eugene Planning Commission from Max **Liebreich** dated February 4, 2008 (postmarked February 5, received February 6)
38. E-mail to Heidi Beierle from Kate **Perle** dated February 7, 2008 (forwarded to Therese Walch by Jan Cabaniss February 8, 2008)
39. Letter to Eugene Planning Commission from Barbara **Combs** dated February 19, 2008
40. Letter to Therese Walch from David **Helton/ODOT** dated February 19, 2008
41. Letter to Eugene Planning Commission from Doug **DuPriest** dated February 19, 2008

**VI. Map Verification Photos – Documenting Observations from Site Visits in Response to Testimony to Planning Commission (February –April 2008)**

**VII. Planning Commission Meeting March 10, 2008**

Memo to Eugene Planning Commission from Therese Walch dated March 10, 2008 with Attachments:

1. Staff Response to Topics Raised by Planning Commission and Public Testimony Received Through February 19, 2008
2. Draft Ordinance (3/03/08 DRAFT) and Exhibits (Revised)
  - A. Proposed Water Quality Protected Waterways and Management Area dated: 3/4/08
  - B. List of tax lots inside city limits to which the /WQ overlay zone map will be applied.
  - C. List of tax lots outside city limits, within UGB, to which the /WQ overlay zone should be applied upon annexation
3. Comparison Map showing changes from the original Nov 2007 map (note – not an exhibit to the ordinance but included in packet for information for 3/10/08 meeting)

Compact Disc: Proposed Water Quality Protected Waterways and Management Areas dated March 4, 2008 & Proposed WQ Protections: February 2008 Version Compared to November 2007 Version dated March 4, 2008 (*Note: CD is available upon request*)

Draft Minutes from March 10, 2008 Planning Commission meeting

**VIII. Follow up to Issues Raised at March 10, 2008 Planning Commission Meeting**

Memo to Eugene Planning Commission from Therese Walch dated March 14, 2008: CA07-04 & Z07-19: Water Quality Protected Waterways – Follow-up to Issues Raised at the March 10, 2008 Planning Commission Meeting, with Attachment:

Exhibit F to Ordinance No. 20351, Native and Non-Native Plant List

**IX. Planning Commission Meeting March 17, 2008**

Draft Minutes from March 17, 2008 Planning Commission meeting

**X. Planning Commission Meeting March 31, 2008**

Memo to Eugene Planning Commission from Therese Walch dated March 31, 2008: CA07-04 & Z07-19: Water Quality Protected Waterways, with Attachments:

- A. Table: Tax Lots Affected by WQ
- B. Illustrations: 5A&B, 6A&B, 7, 8, 9, 10
- C. Draft Ordinance (3/31/08 DRAFT)

Draft Minutes from March 31, 2008 Planning Commission meeting

**XI. E-mail Communications Between Staff and Planning Commission (other than packet materials)**

1. E-mail to Eugene Planning Commissioners from Therese Walch dated January 7, 2008: Water Quality Protected Waterways – Web map portal
2. E-mail to Therese Walch from Phillip Carroll dated January 21, 2008: open waterways questions
3. E-mail to Eugene Planning Commissioners from Steve Nystrom dated January 25, 2008: FW: Memo for PC - summary of issues re: WQ waterways
4. E-mail to Eugene Planning Commissioners from Steve Nystrom dated February 6, 2008: WQ Protected Waterways - Staff Response to Topics Raised
5. E-mail to Randy Hledik from Therese Walch dated February 25, 2008 RE: Water Quality Protected Waterways
6. E-mail to Randy Hledik from Therese Walch dated March 3, 2008 RE: Water Quality Protected Waterways
7. E-mail to John Lawless and Randy Hledik from Therese Walch dated March 5, 2008 RE: Water Quality Protected Waterways
8. E-mail to Heidi Beierle and Therese Walch from Randy Hledik dated March 11, 2008: RE: Water Quality Protected Waterways
9. E-mail to John Lawless from Therese Walch dated March 12, 2008: Water quality protected waterways- follow up from 3/10 meeting and preparation for 3/17
10. E-mail to [Eugene Planning Commissioners] from Randy Hledik dated March 14, 2008: /WQ Ordinance [Motions for Consideration]
11. E-mail from Rick Duncan to Eugene Planning Commissioners dated March 16, 2008: Water Quality Motion
12. E-mail to Eugene Planning Commissioners from Therese Walch dated April 15, 2008: /WQ Water Quality Waterways - follow up items from March 31, 2008 Planning Commission deliberations/action
13. E-mail to Therese Walch from Ann Kneeland dated April 28, 2008: RE: Regulations of herbicides

**XII. Supplemental Information to Staff Response to Topics Raised by Planning Commission and Public Testimony through January 15, 2008 – Note: Section XII, referenced from the Planning Commission process (see E-mail to Planning Commissioners from Therese Walch dated February 6, 2008: Staff Response to Topics Raised, with attached Supplemental Information), is in a separate binder labeled Supplemental Information #1 (Planning Commission Process).**

**Example Illustrations**

1. Illustration 1 - /WQ Adjustment to Setback for Lot Impacts >33%
2. Illustration 2 - WQ Waterway Realignment for Non-Headwater Stream
3. Illustration 3- /WQ Setback Adjustment for Headwater Stream Necessary to Allow Proposed Use
4. Illustration 4 Existing Structures, Uses, Proposed Expansions

**Water Quality Standards, Use Attainability Analysis, 303(d) List & TMDLs**

5. Oregon DEQ: Upper Willamette Subbasin Water Quality Overview (September 2006)
6. Oregon Department of Environmental Quality (DEQ) Fact Sheet: Water Quality Standards
7. State of Oregon Use Attainability Analysis and Site Specific Criteria Internal Management Directive (April 2007)
8. Public Notice: Request for Comments - New Directive for Water Quality Use Attainability Analysis (September 6, 2005)
9. DEQ Fact Sheet - The 2002 303(d) List of Impaired Waters of Oregon (February 7, 2003)
10. DEQ Water Quality Limited Streams Database – Individual Records for:

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- A-3 Drain
  - Amazon Creek
  - Amazon Diversion Canal
  - Willow Creek
11. Map: Waterways Recommended for Water Quality Protection (shows connection to piped system)
  12. DEQ Fact Sheet - Improving Water Quality: TMDLs in Oregon (January 2003)
  13. DEQ Memo re: Willamette Basin TMDL Order (September 21, 2006)
  14. DEQ Fact Sheet – Willamette Basin TMDL: Next Steps (September 26, 2006)
  15. DEQ Fact Sheet – Reducing Bacterial Pollution in the Willamette Basin (September 8, 2006)
  16. DEQ Fact Sheet – Reducing Mercury Pollution in the Willamette River (September 6, 2006)
  17. DEQ Fact Sheet – Reducing Temperature in the Willamette Basin (September 6, 2006)
  18. DEQ Fact Sheet – Protecting and Restoring the Willamette River (March 30, 2006)
  19. Oregon DEQ letter to Susan Muir re: Issuance of Willamette TMDL and City of Eugene’s designation as Designated Management Agency (October 17, 2006)
  20. Willamette Basin TMDL Executive Summary (September 2006)
  21. Willamette Basin TMDL Chapter 14: Water Quality Management Plan (September 2006)
  22. State of Oregon Antidegradation Policy Implementation Internal Management Directive for NPDES Permits and Section 401 Water Quality Certification, Oregon DEQ (March 2001)

**Scientific Review**

23. *Proposed Water Quality Protected Waterways, Basis for Proposals – Summary of the Science*, Eugene Public Works (August 15, 2006)
24. *The Architecture of Stream Buffers*, Tom Schueler, Center for Watershed Protection, Summer 1995
25. *A Review of the Scientific Literature on Riparian Buffer Width, Extent and Vegetation*, Seth Wagner for the Office of Public Service and Outreach Institute of Ecology, University of Georgia, March 5, 1999.
26. *CAWS White Paper on Vegetative Buffers: Vegetative Buffers for Water Quality Protection: An Introduction and Guidance Document*, Connecticut Associate of Wetland Scientists, Revised February 21, 2004.
27. *Invisibility of Stream and Wetland Buffers in the Field*, Center for Watershed Protection, Article 41
28. *Clean Rivers Spring from their Source: The Importance and Management of Headwater Streams*, Ohio Environmental Protection Agency Fact Sheet, August 2001
29. *Rapid Watershed Planning Handbook – A Comprehensive Guide for Managing Urbanizing Watersheds*, Center for Watershed Protection, October 1998, Reprinted 2001
30. *The Importance of Protecting Vulnerable Streams and Wetlands at the Local Level*, Center for Watershed Protection, August 2007

**Ordinance Development**

31. *Model Ordinances Language*, U.S. Environmental Protection Agency (printed from EPA’s web site, January 30, 2008)
32. *Water Quality Model Code and Guidebook*, Oregon Department of Land Conservation and Development and the Oregon Department of Environmental Quality, October 2000
33. *Urban Growth Management Functional Plan, Title 3*, Portland Metro Regional Governments, April 25, 2007
34. *Policy Analysis and Scientific Literature Review for Title 3 of the Urban Growth Management Functional Plan: Water Quality and Floodplain Management Conservation*, Metro Growth Management Services Department, July 1997

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35. City of Gresham Development Code, Section 5.0600 - Water Quality Resource Area (WQRA) Overlay District
36. Springfield Development Code, Section 4.3-110 Stormwater Management
37. Draft Water Quality Function Mitigation Approach, Future Administrative Rule (February 2008)

**XIII. Public Outreach (other than Legal Notices)**

**News Releases**

1. Workshop Slated Thursday on Water Quality Protected Waterways, dated June 12, 2006
2. Planning Commission to Consider Water Quality Protected Waterways Proposal, dated January 10, 2008

**Display Ads**

1. Water Quality Protected Waterways Open House, published in R-G June 11, 2006
2. Protecting Waterways for Water Quality – display ad regarding revised dates for PC public hearing and City Council adoption, published August 12, 2006
3. Protecting Waterways for Water Quality – display ad regarding January 15, 2008 public hearing, published in R-G on December 21, 2007

**City Council Newsletter Items**

1. Water Quality Protected Waterways Outreach Underway, June 1, 2006 Council Newsletter
2. Planning Commission to Consider Water Quality Overlay Zone, December 20, 1007 Council Newsletter

**News Articles**

1. New rules aim to fix city water quality, Register Guard, June 3, 2006
2. Open house to discuss waterway setbacks, Register Guard, June 14, 2006
3. Information available on waterway protection, Register Guard, June 15, 2006
4. Ban on new building near waterways suffers setback, Register Guard, August 12, 2006
5. Water resources official to speak to Rubicons, Register Guard, September 28, 2006
6. Building setbacks altered for properties at waterways, Register Guard, December 4, 2007

**Newsletter Articles**

1. Preserve Natural Drainage, Protect the Willamette River, River Road Community Organization newsletter, Summer 2006
2. Protecting Waterways for Water Quality, Stormwater Connections, Fall 2006
3. Water protection now and for the future, Stormwater Connections, Fall 2007

**Water Quality Protected Waterways Web Site Screen Prints**

1. Screen Print, June 19, 2006 (Established June 7, 2006)
2. Screen Print, January 9, 2008

**Direct Mailings (other than legal notices)**

1. Fact Sheet – Proposed Water Quality Protected Waterways, June 2006
2. Postcard updating process and schedule, August 2006
3. Postcard updating process and schedule, October 2006
4. Postcard updating process and schedule, December 2006
5. Postcard updating process and schedule, March 2007
6. Postcard to property owners no longer affected by the revised proposal, November 2007

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7. Fact Sheet – Revised Proposed Water Quality Protected Waterways, November 2007
8. Postcard to property owners and IPs with update on Planning Commission decision to extend the public comment period and revise process to allow for public review of staff response to topics raised, January 2008

**XIV. City of Eugene, Oregon TMDL Implementation Plan (April 1, 2008)**

**XV. Buildable Lands Impact Analysis Report**

1. City of Eugene Water Quality Protected Waterways Buildable Lands Impact Analysis: Methodology, Results, Conclusions (May 14, 2008)
2. City of Eugene Water Quality Protected Waterways Buildable Lands Impact Analysis: Methodology, Results, Conclusions (May 5, 2008, superseded by report dated May 14, 2008)